

## REMARKS

The office action of June 23, 2003 has been reviewed and its contents carefully noted. Reconsideration of this case, as amended, is requested. Claims 1 through 39 and 42-80 remain in this case, claims 1, 5, 8, 13, 19-22, 32, 34-36, 38 and 43 being amended, claims 40-41 being cancelled and claims 47-80 being added by this response. No new matter has been added.

Although the Examiner stated that claims 21 and 38 were allowable, these claims have been amended to further clarify the claims without altering their scope. These changes are fully supported by the specification, as filed. "The orifice (20) is narrow at the inlet end and very wide at the far end to accommodate for the loss in static pressure of the glass (2) as it flows to that end. The complex shape of the orifice (20) is designed to produce the desired uniform flow from the trough (4) to the sides of the apparatus (1)." (present application, page 14, lines 15-18).

The numbered paragraphs below correspond to the numbered paragraphs in the Office Action.

### Objection to the Drawings

1. The Examiner objected to the drawings because he stated that Figures 1 a-1 c and 2a-2c should be designated by a legend such as --Prior Art-- because only that which is old was illustrated.

Figures 1a through 1c have been amended to overcome this objection. Specifically, the legend "PRIOR ART" has been added to the Figure sheet containing Figure 1a through Figure 1c. If accepted, the Applicant proposes to amend the proposed Figures as shown in the drawings. Reconsideration and withdrawal of the objection to Figures 1 a through 1c is respectfully requested.

The Applicant respectfully disagrees with the Examiner's characterization of Figure 2a through 2c as prior art. The application specifically discusses Figure 2 in the context of an embodiment of the invention. The apparatus shown is not prior art. Although the Examiner states that only Figures 2a through 2c should be labeled as prior art, Figure 2 should be

considered as a whole, and as such, it is not prior art, but an embodiment of the present invention.

The specification states that "Figures 2a, 2b, 2c and 2d show a top, side, end and an inlet view of an embodiment of a forming apparatus that has a trough with straight sloped weirs, a contoured bottom and an overflow device." (present application, page 5, lines 4-6). In addition, the specification discusses the embodiment of Figure 2 extensively.

#### Overflow Device

"Referring to Figures 2a, 2b, 2c and 2d, the present invention provides a forming apparatus (1) that can be used to make substantially constant thickness glass (2) over an expended range of values of the mathematical product of glass flow and glass viscosity by using a combination of the tilt of the apparatus (1) with a change in glass flow through an overflow device (10) at the far end of the apparatus (1).

The forming apparatus shown in Figures 2a-2d has straight sloped weirs (5) that are close to parallel with the pointed edge of the wedge shaped portion of the forming apparatus (1) but sloped slightly downward in the direction away from the inflow pipe (3). Glass (2) enters the trough (4) through an inflow pipe (3). The bottom and sides of the trough (4) are contoured in a manner to provide even distribution of glass to the top of each side weir (5). The major portion of the glass (2) then flows over the top of each side weir (5), down each side of the wedge shaped portion of the forming apparatus (1), and joins at the bottom of the wedge to form a sheet of molten glass (2). The molten glass (2) is then cooled to form a solid glass sheet of substantially uniform thickness. A small portion of the glass (2) passes through the forming trough (4) and out the far end through an overflow device (10). The overflow device (10) incorporated at the far end of the trough (4) is used in conjunction with tilting of the apparatus (1), changes in glass flow rate, and changes in glass viscosity to regulate the thickness profile of the sheet.

The sheet glass forming apparatus is designed for constant temperature operation in the region of the forming trough (4) and the weirs (5). The linear sheet thickness differential from one end of the sheet to the other end is called wedge. The nonlinear sheet thickness variations from one end of the sheet to the other end is called curvature. The wedge and curvature are primarily a function of the trough (4) shape and the shape of the weirs (5) on each side of the trough (4). The glass (2) sheet thickness distribution is the same for a given value of the mathematical product of glass flow rate times the glass viscosity. A change in either of these variables independent of the other will produce wedge and/or curvature in the sheet thickness distribution.

Operational adjustment of any wedge or curvature in the sheet thickness may be effected by tilting the apparatus (1) and by varying the portion of glass (2) flowing to the overflow device (10). For instance, if the glass (2) at the far end is thinner than at the inlet end, lowering the far end will flow more glass (2) to that end, consequently thickening the sheet at the far end. Conversely, increasing the portion of glass (2) flowing to the overflow (10) will decrease the glass thickness at the far end of the forming apparatus. Since the two effects are nonlinear, different combinations of tilt and overflow glass can produce corrections in both curvature and in wedge. This will allow for a longer production campaign with a given forming apparatus, thus reducing manufacturing down time with a resultant cost saving." (present application, page 10, line 4 through page 11, line 12).

Reconsideration and withdrawal of the objection to Figures 2a through 2c is respectfully requested.

Figures 2-4 have been amended to clarify that the glass (22) flowing over the far end of the trough is different than the glass (2), which flows over the top of each side weir. No new matter has been added, since the specification, as filed, distinguished between the two glass flows. "The major portion of the glass (2) then flows over the top of each side weir (5), down each side of the wedge shaped portion of the forming apparatus (1), and joins at the bottom of the wedge to form a sheet of molten glass (2).... A small portion of the glass (2) passes through the forming trough (4) and out the far end through an overflow device (10)." (present application, page 10, lines 15-20).

#### **Objections to the Specification**

2. The Examiner objected to the specification because he stated that the title of the invention was not descriptive. The specification has been amended to overcome this objection. Specifically, per the Examiner's suggestion, the title has been amended to "Overflow Downdraw Glass Forming Method and Apparatus". Reconsideration and withdrawal of the objection to the title is respectfully requested.
3. The disclosure was objected to because the filing date of the fourth provisional application (line 11) should be July 21, 2000. The specification has been amended to overcome this objection. Reconsideration and withdrawal of the objection is respectfully requested.

The specification has been amended to further clarify that the glass overflowing a top of the far end of the trough is different from the glass flowing over the weirs. More specifically, the glass overflowing a top of the far end of the trough is now labeled (22) in the figures, and discussed as (22) in the specification. This amendment merely clarifies that the glass overflowing a top of the far end of the trough due to the overflow device is different than the major portion of the glass (2), which "flows over the top of each side weir (5), down each side of the wedge shaped portion of the forming apparatus (1), and joins at the bottom of the wedge to form a sheet of molten glass (2)". (present application, page 10, lines 15-17). No new matter has been added.

#### **Rejections under 35 USC § 112**

5. Claims 8-12 and 35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claim 8 recites the limitation "an inflow pipe" in lines 1-2 as well as line 8. Claim 8 has been amended to overcome this rejection. Reconsideration and withdrawal of the rejection of claims 8-12 is respectfully requested.
7. Claim 35 recites the limitation "an inflow pipe" in lines 1-2 as well as line 8. Claim 35 has been amended to overcome this rejection. Reconsideration and withdrawal of the rejection of claim 35 is respectfully requested.

#### **Rejections under 35 USC § 102**

9. Claims 1 and 32 were rejected under 35 U.S.C. 102(b) as being anticipated by Leibowitz (US 3607182). Applicant respectfully disagrees.

Unless all of the same elements are found in exactly the same situation and united in the same way to perform the identical function in prior pleaded art, there is no anticipation." *Stauffer v. Slenderella Systems of California, Inc.*, 254 F.2d 127, 115 USPQ 347 (9th Cir. 1957).

As amended, claim 1 includes "an overflow device on the trough that allows at least some of the molten glass within the trough to overflow a top of a far end of the trough without

**flowing over the downwardly sloping sides of the wedged shaped sheet forming structure”** (emphasis added). This amendment is fully supported by Figures 2 through 4, and the specification, as filed. Specifically, the specification states that “[a] small portion of the glass (22) passes through the forming trough (4) and out the far end through an overflow device (10).” (present application page 10, lines 18-20).

The Examiner stated that the features of claim 1 are found in the figures, the abstract, and col. 2, line 67 to col. 3, line 60. The Examiner also stated that glass removed via the evacuation channel does not flow over the downwardly sloping sides of the wedge shaped sheet forming structure in Leibowitz.

The purpose of the Leibowitz apparatus is to remove bubbles from the glass which formed at the joint of the top and bottom pieces (see Abstract; Col. 1, lines 5-19).. An excerpt from the cited passage explains the operation of the Leibowitz apparatus. “In operation, molten glass G delivered to trough 16 overflows upper edges 18 and flows downwardly along opposed sidewall portions 20 and downwardly converging sidewall portions 22 to root 24, where the separate flows are united and withdrawn as a single sheet.... [T]he vacuum applied to the sealed accumulator 44 by the vacuum pump, is in turn applied to the slot 26 through a confined path by means of of evacuation channel 28 and heated conduit 40. As a result, molten glass containing bubbles B is drawn from the outside edges of the slot towards the center and through the holes or openings 32 in cover plate 30 downwardly into evacuation channel 28 and along heated conduit 40 into the accumulator 44.” (Leibowitz, col. 3, lines 36-40, lines 52-60). Leibowitz only shows molten glass overflowing the trough 16 and flowing downwardly along the sidewall portions 22 and 24.

The evacuation channel 28 in Leibowitz is below the trough. Overflow in amended claim 1 is on a top of a far end of the trough. The molten glass within the trough is not even overflowing the trough when it is directed through the evacuation channel in Leibowitz. In addition, there is no glass overflowing a top of a far end of the trough in Leibowitz.

In order to avoid rejection for anticipation, it is only necessary to show that a claim contains at least one element not disclosed in a single prior art reference. Since amended claim 1 recites elements which are not disclosed in the Leibowitz reference, it is respectfully proposed

that the rejection of claim 1 for anticipation by the Leibowitz reference is overcome. Reconsideration and withdrawal of the rejection of claim 1 is respectfully requested.

As amended, claim 32 includes the step of "b) positioning the forming apparatus such that at least some of the molten glass within the trough **passes out of a top of a far end of the trough through the overflow device without flowing over the downwardly sloping sides of the wedged shaped sheet forming structure**" (emphasis added). The Examiner stated that the features of claim 32 are found in the figures, the abstract, and col. 2, line 67 to col. 3, line 60. The Examiner also stated that glass removed via the evacuation channel does not flow over the downwardly sloping sides of the wedge shaped sheet forming structure in Leibowitz.

An excerpt from the cited passage explains the operation of the Leibowitz apparatus. "In operation, molten glass G delivered to trough 16 overflows upper edges 18 and flows downwardly along opposed sidewall portions 20 and downwardly converging sidewall portions 22 to root 24, where the separate flows are united and withdrawn as a single sheet.... [T]he vacuum applied to the sealed accumulator 44 by the vacuum pump, is in turn applied to the slot 26 through a confined path by means of evacuation channel 28 and heated conduit 40. As a result, molten glass containing bubbles B is drawn from the outside edges of the slot towards the center and through the holes or openings 32 in cover plate 30 downwardly into evacuation channel 28 and along heated conduit 40 into the accumulator 44." (Leibowitz, col. 3, lines 36-40, lines 52-60). Leibowitz only shows molten glass overflowing the trough 16 and flowing downwardly along the sidewall portions 22 and 24.

The evacuation channel 28 in Leibowitz is below the trough. Overflow in amended claim 32 is on a top of a far end of the trough. The molten glass within the trough is not even overflowing the trough when it is directed through the evacuation channel in Leibowitz. In addition, there is no glass overflowing a top of a far end of the trough in Leibowitz.

In order to avoid rejection for anticipation, it is only necessary to show that a claim contains at least one element not disclosed in a single prior art reference. Since amended claim 32 recites elements which are not disclosed in the Leibowitz reference, it is respectfully proposed that the rejection of claim 1 for anticipation by the Leibowitz reference is overcome. Reconsideration and withdrawal of the rejection of claim 32 is respectfully requested.

10. Claim 5 was rejected under 35 U.S.C. 102(b) as being clearly anticipated by Aoki (JP 9-110443). Applicant respectfully disagrees.

As amended, the apparatus of claim 5 includes “substantially curved top sides of the trough, **wherein a substantial portion of said curved top sides has a convex upward shape**, such that a substantially uniform thickness glass sheet is formed when glass flows into the trough and over the sides of the trough.” This amendment is fully supported by Figures 3-7, which show the curved top sides of the trough as linear or convex.

The surfaces Aoki shows and describes are concave. “[S]lopes of the depression gradient which are increasing higher on the inner side in the transverse direction of the groove and decreasing lower on the outer side.” (Abstract). Therefore, claim 5 is not anticipated by Aoki. Reconsideration and withdrawal of the rejection is respectfully requested.

11. Claims 13, 15 and 36 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ward (US 3589887). Applicant respectfully disagrees.

Regarding claim 13, as amended, the apparatus includes “an internally mounted flow control plug that can be inserted and adjusted within the trough to change at least one flow characteristic of the molten glass within the trough.” The Examiner states that the features of applicant's claims can be found in the figures and col. 2, lines 2-42 of Ward. The Examiner does not explain exactly which component of the apparatus in the patent is equivalent to the flow control plugs in the present invention.

The Applicant will assume for argument here that the Examiner believes that the “edge controlling means” 30 are flow control plugs. The Applicant does not believe that the edge controlling means 30 are at all similar to the flow control plug described in claim 13. The edge controlling means in Ward are described in the patent. “Edge controlling means 30 which are illustrated as being pyramidal in shape and suitably supported for adjustment by supports 32 are inserted in the trough 18 and into the glass therein, so as to restrict or control the quantity of glass which flows over the edges 20 at the ends of the nozzle 10, thinning the streams at the ends yet producing a substantially uniform-thickness ribbon 28 which can then be transported, in any conventional manner, away from the nozzle.” (Ward, col. 2, lines 11-20). The pyramidal edge

controlling means in Ward is very different from the internally mounted flow control plug of claim 13. Figures 12, 13, and 17, and 18 of the present application show the flow control plug (30). It is internally mounted within the trough. In contrast, the Ward edge controlling means is located on top of the trough. In the present invention, “[t]he flow control plug (30), an example shape of which is shown in Figures 13a-13c, is designed to modulate the flow in the trough (4) such that the static pressure at the inlet to the orifice (20) is constant along its entire length.” (present application, page 17, lines 1-4).

In addition, a key advantage of the overflow apparatus and process is that the useable glass surface is formed from homogeneous virgin internal glass. “Sheet glass made using the apparatus of U.S. patent number 3,338,696, incorporated herein by reference, makes the highest quality glass as formed and does not require post-processing. The patent teaches a manufacturing process termed: “the overflow process”. The key feature of the overflow process is that the glass moves through the glass forming equipment and the untouched, “virgin glass”, overflows and becomes the outside surface of the glass. Glass made using other processes requires grinding and/or polishing and thus does not have as fine a surface finish.” (present application, page 2, lines 7-13).

The Ward patent violates the requirement that the useable glass surface be formed from homogeneous virgin internal glass. The external flow control device in Ward contacts the external surface of the glass. Thus if the device does control the glass thickness at the edges as implied, the surface of the glass at the edges would be contaminated such that it would be unusable. The flow control device in claim 13, in contrast, is internal to the glass stream and in a location that does not contaminate the saleable glass sheet.

The edge thickness control shown in the Ward patent is easily performed by adjustment of the contour of the weir and/or the trough bottom or other sub-surface device. In contrast, claim 13 includes a subsurface flow control plug, more specifically, “an internally mounted flow control plug that can be inserted and adjusted within the trough to change at least one flow characteristic of the molten glass within the trough.” This element of the claim is not shown in Ward. Reconsideration and withdrawal of the rejection of claim 13 is respectfully requested.

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Dependent claim 15, being dependent upon and further limiting independent claim 13, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 15, in view of the above amendments and remarks.

Regarding claim 36, as amended, the method includes the steps of “a) providing an internally mounted flow control plug that can be inserted and adjusted within the trough; [and] b) using the flow control plug to adjust at least one flow characteristic of the molten glass within the trough; such that a glass sheet of substantially uniform thickness is formed.”

The Examiner states that the features of applicant's claims can be found in the figures and col. 2, lines 2-42 of Ward. The Examiner does not explain exactly which component of the apparatus in the patent is equivalent to the flow control plugs in the present invention.

The Applicant will assume for argument here that the Examiner believes that the “edge controlling means” 30 are flow control plugs. The Applicant does not believe that the edge controlling means 30 are at all similar to the flow control plug described in claim 36. As discussed above, the edge controlling means in Ward are described in the patent. “Edge controlling means 30 which are illustrated as being pyramidal in shape and suitably supported for adjustment by supports 32 are inserted in the trough 18 and into the glass therein, so as to restrict or control the quantity of glass which flows over the edges 20 at the ends of the nozzle 10, thinning the streams at the ends yet producing a substantially uniform-thickness ribbon 28 which can then be transported, in any conventional manner, away from the nozzle.” (Ward, col. 2, lines 11-20). The pyramidal edge controlling means in Ward is very different from the internally mounted flow control plug of claim 36. Figures 12, 13, and 17, and 18 of the present application show the flow control plug (30). It is internally mounted within the trough. In contrast, the Ward edge controlling means are located on top of the trough. In the present invention, “[t]he flow control plug (30), an example shape of which is shown in Figures 13a-13c, is designed to modulate the flow in the trough (4) such that the static pressure at the inlet to the orifice (20) is constant along its entire length.” (present application, page 17, lines 1-4).

In addition, a key advantage of the overflow apparatus and process is that the useable glass surface is formed from homogeneous virgin internal glass. “Sheet glass made using the

apparatus of U.S. patent number 3,338,696, incorporated herein by reference, makes the highest quality glass as formed and does not require post-processing. The patent teaches a manufacturing process termed: "the overflow process". The key feature of the overflow process is that the glass moves through the glass forming equipment and the untouched, "virgin glass", overflows and becomes the outside surface of the glass. Glass made using other processes requires grinding and/or polishing and thus does not have as fine a surface finish." (present application, page 2, lines 7-13).

The Ward patent violates the requirement that the useable glass surface be formed from homogeneous virgin internal glass. The flow control device in Ward contacts the external surface of the glass. Thus if the device does control the glass thickness at the edges as implied, the surface of the glass at the edges would be contaminated such that it would be unusable. The flow control device in claim 36, in contrast, is internal to the glass stream and in a location that does not contaminate the saleable glass sheet. Reconsideration and withdrawal of the rejection of claim 36 is respectfully requested.

12. Claims 19 and 34 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Overman (US 3506429). Applicant respectfully disagrees.

The Examiner states that the features of applicant's claims can be found in the figures and col. 3, line 27 to col. 4, line 46 of Overman.

The Overman patent is designed to effect the flow of glass at the root of the draw (when the glass meets at the bottom of the apparatus) as it is being drawn and solidified. The macroscopic longitudinal distribution of the glass as it flows down the side of the forming apparatus is determined by the distribution of the glass flowing over the weirs. The Overman patent, because it has no influence on the flow of glass over the weirs, can only affect the glass thickness over a limited longitudinal distance.

Amended claim 19 includes, "heating elements that can be used to differentially heat the molten glass as it is flowing to adjust for wedge or curvature irregularities within the sheet glass being formed by the apparatus, wherein the heating elements heat the molten glass on a top and the sides of the wedged shaped sheet forming structure substantially before the glass

from each side of the wedged shaped sheet forming structure meets at the bottom of the wedge”, (emphasis added) while the method in claim 34 includes the steps of “a) providing heating elements that can differentially heat the molten glass as it flows, wherein the heating elements heat the molten glass on a top and the sides of the wedged shaped sheet forming structure substantially before the glass from each side of the wedged shaped sheet forming structure meets at the bottom of the wedge”. (emphasis added). These amendments are fully supported by the specification. “Additional thickness correction may be accomplished by selective heating or cooling of the molten glass (2) in the trough (4) and/or heating the weirs and thus the molten glass (2) flowing over the weirs and/or heating the orifice (20) and thus the molten glass (2) flowing through the orifice. One caveat with this approach is that the molten glass (2) flowing from the root (25) of the apparatus (1) must be of substantially uniform temperature. Therefore, the glass molten (2) would need to be selectively cooled or heated as it flows down the outside of the apparatus in order to produce the required substantially uniform temperature.” (present application, page 24, lines 6-13). The amendments are also supported by Figure 24, which shows the heating elements above the point of draw.

The present invention, as claimed in claims 19 and 34, differentially heats the glass flowing in the trough cavity and over the weirs such that the macroscopic longitudinal thickness distribution of the glass as it flows down the side of the forming apparatus is effected to maintain a uniform thickness. Overman does not disclose differential heating as put forth in the claims. Instead, Overman only teaches heating at the root. The heating in Overman is always at the point of draw. “Although the point of draw has been utilized as a reference point, the heating of the glass sheet may take place slightly above this point, as on the side of the forming member 45, or it might take place slightly below the point of draw in the area where the sheet is being stretched during cooling to its final thickness.” (col. 4, lines 26-31). Although the orientation of the heating elements in Overman may vary, the location is still at the root. In contrast, in claims 19 and 34, the heating elements heat the molten glass before it meets at the bottom of the wedge (the point of draw). Reconsideration and withdrawal of the rejection of claims 19 and 34 is respectfully requested.

13. Claims 20 and 37 were rejected under 35 U.S.C. 102(b) as being anticipated by Corning (GB 982153). Applicant respectfully disagrees.

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Claim 20 includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". (emphasis added) The present application describes the orifice. "The forming apparatus can include an orifice **on top of the trough** and glass can be moved through the apparatus using pressure. The orifice is narrow at the inlet end and wider at the far end to accommodate for the loss in static pressure of the glass as it flows to that end." (present application, page 4, lines 11-14). (emphasis added) Also, see the orifice (20) in Figures 8, 9, 11, 14, 16, 19, and 20.

The Examiner states that the features of applicant's claims can be found in the figures and page 2, lines 21-54 and 67-111 of Corning; however, the Examiner does not explain which part of the Corning patent is equivalent to the orifice in claim 20(c). The Applicant will assume that the Examiner believes that the "circular apertures or passages 16" are equivalent to the orifice in claim 20. The "circular apertures or passages 16 [are] arranged in a row in the region of the top wall of the feeding member **comprising the bottom wall of the trough 13.**" (Corning, col. 2, lines 75-79). (emphasis added) The passages are clearly in the bottom of the trough. They do not run along the top of the trough.

"Supply of molten glass to the reservoir, and thence to the trough via such passages, is from a head of glass having access to the reservoir at one end thereof. Such glass is supplied under a sufficient head to insure that a desired volume of glass issues from each of the respective passages to keep the trough supplied with a desired volume of glass in the respective regions along its length and without disturbing the streams of glass overflowing the trough." (Corning, col. 1, line 84 to col. 2, line 8). These apertures are very different from the orifice in the present application. There are multiple apertures in Corning, and these apertures are specifically arranged in a row to supply molten glass to the trough. The passages at the bottom of the trough produce streaks in the glass. This patent preceded U.S. Patent 3,338,696, which originally introduced the Overflow Process. The apparatus in Corning proved to be unworkable because, by having multiple flow control orifices in the bottom of the trough, they contaminate the homogeneous virgin internal glass which forms the sheet surface.

In contrast, in claim 20, there is a single orifice running along the top of the trough, which directs molten glass through its exit and down the sides of the trough. Therefore, Corning does not anticipate claim 20. Reconsideration and withdrawal of the rejection of claim 20 is respectfully requested.

Claim 37 includes, in part, the steps of “b) providing an orifice **running along the top of the trough**; [and] d) conveying molten glass under pressure through the inflow pipe into the trough such that the molten glass exits through the orifice and flows down the sides of the trough and the downwardly sloping sides of the wedged shaped sheet forming structure and meets at the bottom of the wedge and forms a glass sheet of substantially uniform thickness.” (emphasis added) The present application describes the orifice. “The forming apparatus can include an orifice **on top of the trough** and glass can be moved through the apparatus using pressure. The orifice is narrow at the inlet end and wider at the far end to accommodate for the loss in static pressure of the glass as it flows to that end.” (present application, page 4, lines 11-14) (emphasis added). Also, see the orifice (20) in Figures 8, 9, 11, 14, 16, 19, and 20.

The Examiner states that the features of applicant's claims can be found in the figures and page 2, lines 21-54 and 67-111 of Corning; however, the Examiner does not explain which part of the Corning patent is the orifice in claim 37(b) and (d). The Applicant will assume that the Examiner believes that the “circular apertures or passages 16” are equivalent to the orifice in claim 20. As discussed above, the “circular apertures or passages 16 [are] arranged in a row in the region of the top wall of the feeding member comprising the bottom wall of the trough 13.” (Corning, col. 2, lines 75-79). These apertures are very different from the orifice in the present application. There are multiple apertures in Corning, and these apertures are specifically arranged in a row in the bottom of the trough to supply molten glass to the trough. The passages at the bottom of the trough produce streaks in the glass. This patent preceded U.S. Patent 3,338,696, which originally introduced the Overflow Process. The apparatus in this patent proved to be unworkable because, by having multiple flow control orifices in the bottom of the trough, they contaminate the homogeneous virgin internal glass which forms the sheet surface.

In contrast, in claim 37, as molten glass is conveyed to the trough the molten glass exits through a single orifice on top of the trough and passes down the sides of the trough. Therefore,

Corning does not anticipate claim 37. Reconsideration and withdrawal of the rejection of claim 37 is respectfully requested.

#### Rejections under 35 USC § 103

15. Claim 2 was rejected under 35 U.S.C. 103(a) as being unpatentable over Leibowitz in view of Aoki. The Applicant respectfully disagrees. The argument above regarding the anticipation of claim 1 by Leibowitz is incorporated by reference here.

"A claimed invention is unpatentable for obviousness if the differences between it and the prior art "are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art." 35 U.S.C. §103(a) (1994); *Graham v. John Deere Co.*, 383 U.S. 1, 14, 148 USPQ 459, 465(1966). Obviousness is a legal question based on underlying factual determinations including: (1) the scope and content of the prior art, including what that prior art teaches explicitly and inherently; (2) the level of ordinary skill in the prior art; (3) the differences between the claimed invention and the prior art; and (4) objective evidence of nonobviousness. *Graham*, 383 U.S. at 17-18, 148 USPQ at 467; *In re Dembiczak*, 175 F.3d 994, 998, 50 USPQ 1614, 1616 (Fed. Cir. 1999); *In re Napier*, 55 F.3d 610, 613, 34 USPQ2d 1782, 1784(Fed. Cir. 1995) (stating that the inherent teachings of a prior art reference is a question of fact)." *In re Zurko*, 59 USPQ2d 1693, 1696 (Fed. Cir. 2001).

Regarding claim 1, Aoki does not provide what Leibowitz lacks. Aoki teaches an apparatus for producing a glass plate. As amended, claim 1 includes "an overflow device on the trough that allows at least some of the molten glass within the trough to overflow a top of a far end of the trough without flowing over the downwardly sloping sides of the wedged shaped sheet forming structure" (emphasis added). Aoki does not teach or suggest this aspect of the claim.

Since neither Leibowitz or Aoki, alone or in combination, teach or suggest the components of claim 1, amended claim 1 is not obvious over these two references. Dependent claim 2, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant

respectfully requests reconsideration of the rejection of claim 2, in view of the above amendments and remarks.

17. Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Leibowitz in view of Simon (US 3451798). Applicant respectfully disagrees. The argument above regarding the anticipation of claim 1 by Leibowitz is incorporated by reference here.

Regarding claim 1, Simon does not provide what Leibowitz lacks. Simon teaches an edge attachment surface in an overflow-downdraw process for the downwardly flowing glass while thinning edge portions. As amended, claim 1 includes “an overflow device on the trough that allows at least some of the molten glass within the trough to overflow a top of a far end of the trough without flowing over the downwardly sloping sides of the wedged shaped sheet forming structure” (emphasis added). Simon does not teach or suggest this aspect of the claim. Instead, “molten glass 17 is fed into the channel 11.... A pair of restricting dams 19 are provided above the overflow lips 13 adjacent each end of the channel 11 to direct the overflow of the free surface 20 of the molten glass 17 over the overflow lips 13 as separate streams, and down the opposed forming surface portions 14, 15 to the apex 16....” (Simon, col. 2, lines 61-69). The molten glass in Simon specifically flows down the opposed forming surface portions 14, 15. Simon does not teach or suggest at least some of the molten glass within the trough to overflow a top of a far end of the trough without flowing over the downwardly sloping sides. Since neither Leibowitz or Simon, alone or in combination, teach or suggest amended claim 1, amended claim 1 is not obvious over these two references.

Dependent claim 3, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 3, in view of the above amendments and remarks.

19. Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Leibowitz in view of Overman. Applicant respectfully disagrees. The argument above regarding the anticipation of claim 1 by Leibowitz is incorporated by reference here.

Regarding claim 1, Overman does not provide what Leibowitz lacks. Overman teaches an apparatus for improving thickness uniformity using heater coils 30. As amended, claim 1 includes “an overflow device on the trough that allows at least some of the molten glass within the trough to overflow a top of a far end of the trough without flowing over the downwardly sloping sides of the wedged shaped sheet forming structure” (emphasis added). Overman does not teach or suggest this aspect of the claim. Instead, the downdraw sheet glass forming apparatus the heating coils are used with in Overman have “molten glass 46 flowing along opposite sides thereof” (Overman, col. 4, lines 18-19). The molten glass in Overman specifically flows down the sides. Overman does not teach or suggest at least some of the molten glass within the trough to overflow a top of a far end of the trough without flowing over the downwardly sloping sides. Since neither Leibowitz or Overman, alone or in combination, teach or suggest amended claim 1, amended claim 1 is not obvious over these two references.

Dependent claim 4, being dependent upon and further limiting independent claim 1, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 4, in view of the above amendments and remarks.

21. Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of Overman. Applicant respectfully disagrees. The argument regarding the anticipation of claim 5 over Aoki is herein incorporated by reference.

Regarding claim 5, upon which claim 6 depends, Overman does not provide what Aoki lacks. As amended, the apparatus of claim 5 includes “substantially curved top sides of the trough, wherein a substantial portion of said curved top sides has a convex upward shape, such that a substantially uniform thickness glass sheet is formed when glass flows into the trough and over the sides of the trough.” Overman does not teach or suggest a trough with substantially curved top sides. Therefore, since neither reference teaches or suggests the elements of claim 5, claim 5 is not obvious over these references.

Dependent claim 6, being dependent upon and further limiting independent claim 5, should also be allowable for that reason, as well as for the additional recitations it contains.

Applicant respectfully requests reconsideration of the rejection of claim 6, in view of the above amendments and remarks.

22. Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki in view of Simon. Applicant respectfully disagrees. The argument regarding the anticipation of claim 5 over Aoki is herein incorporated by reference.

Regarding claim 5, upon which claim 7 depends, Simon does not provide what Aoki lacks. As amended, the apparatus of claim 5 includes "substantially curved top sides of the trough, wherein a substantial portion of said curved top sides has a convex upward shape, such that a substantially uniform thickness glass sheet is formed when glass flows into the trough and over the sides of the trough.". Simon does not teach or suggest substantially curved top sides of a trough. Therefore, since neither reference teaches or suggests the elements of claim 5, claim 5 is not obvious over these references.

Dependent claim 7, being dependent upon and further limiting independent claim 5, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 7, in view of the above amendments and remarks.

23. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Aoki. Applicant respectfully disagrees. The argument above regarding the anticipation of claim 13 by Ward is herein incorporated by reference.

Regarding claim 13, upon which claim 14 depends, Aoki does not provide what Ward lacks. The amended claim includes "an internally mounted flow control plug that can be inserted and adjusted within the trough to change at least one flow characteristic of the molten glass within the trough." Neither Ward nor Aoki, alone or in combination, teach or suggest an internally mounted flow control plug as described in claim 13. Therefore, claim 13 is not obvious over Ward and Aoki.

Dependent claim 14, being dependent upon and further limiting independent claim 13, should also be allowable for that reason, as well as for the additional recitations it contains.

Applicant respectfully requests reconsideration of the rejection of claim 14, in view of the above amendments and remarks.

24. Claim 16 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Overman. Applicant respectfully disagrees. The argument above regarding the anticipation of claim 13 by Ward is herein incorporated by reference.

Regarding claim 13, upon which claim 16 depends, Overman does not provide what Ward lacks. The amended claim includes "an internally mounted flow control plug that can be inserted and adjusted within the trough to change at least one flow characteristic of the molten glass within the trough." Neither Ward nor Overman, alone or in combination, teach or suggest an internally mounted flow control plug as described in claim 13. Therefore, claim 13 is not obvious over Ward and Overman.

Dependent claim 16, being dependent upon and further limiting independent claim 13, should also be allowable for that reason, as well as for the additional recitations it contains.

Applicant respectfully requests reconsideration of the rejection of claim 16, in view of the above amendments and remarks.

25. Claim 17 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ward in view of Leibowitz. Applicant respectfully disagrees. The argument above regarding the anticipation of claim 13 by Ward is herein incorporated by reference.

Regarding claim 13, upon which claim 17 depends, Leibowitz does not provide what Ward lacks. The amended claim includes "an internally mounted flow control plug that can be inserted and adjusted within the trough to change at least one flow characteristic of the molten glass within the trough." Neither Ward nor Leibowitz, alone or in combination, teach or suggest an internally mounted flow control plug as described in claim 13. Therefore, claim 13 is not obvious over Ward and Leibowitz.

Dependent claim 17, being dependent upon and further limiting independent claim 13, should also be allowable for that reason, as well as for the additional recitations it contains.

Applicant respectfully requests reconsideration of the rejection of claim 17, in view of the above amendments and remarks.

27. Claims 22 and 39 were rejected under 35 U.S.C. 103(a) as being unpatentable over Corning in view of Ward. Applicant respectfully disagrees. The arguments above regarding the anticipation of claims 20 and 37 are herein incorporated by reference.

Regarding claim 20, upon which claim 22 depends, Ward does not provide what Corning lacks. Claim 20 includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Ward does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning and Ward.

Dependent claim 22, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 22, in view of the above amendments and remarks.

Regarding claim 37, upon which claim 39 depends, Ward does not provide what Corning lacks. Claim 37 includes, in part, the steps of "b) providing an orifice running along the top of the trough; [and] d) conveying molten glass under pressure through the inflow pipe into the trough such that the molten glass exits through the orifice and flows down the sides of the trough and the downwardly sloping sides of the wedged shaped sheet forming structure and meets at the bottom of the wedge and forms a glass sheet of substantially uniform thickness." Ward neither teaches nor suggests an orifice. Therefore, claim 37 is not obvious over Corning and Ward, alone or in combination.

Dependent claim 39, being dependent upon and further limiting independent claim 37, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 39, in view of the above amendments and remarks.

28. Claims 23 and 41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Corning in view of Simon. Applicant respectfully disagrees. Claim 41 has been cancelled. The arguments above regarding the anticipation of claim 20 is herein incorporated by reference.

Regarding claim 20, upon which claim 23 depends, Simon does not provide what Corning lacks. Claim 20 includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Simon does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning and Simon.

Dependent claim 23, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 23, in view of the above amendments and remarks.

29. Claims 25 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Corning in view of Overman. Applicant respectfully disagrees. The arguments above regarding the anticipation of claims 20 and 37 are herein incorporated by reference.

Regarding claim 20, upon which claim 25 depends, Overman does not provide what Corning lacks. Claim 20 includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Overman does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning and Overman.

Dependent claim 25, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 25, in view of the above amendments and remarks.

Regarding claim 37, upon which claim 42 depends, Overman does not provide what Corning lacks. Claim 37 includes, in part, the steps of "b) providing an orifice running along the top of the trough; [and] d) conveying molten glass under pressure through the inflow pipe into the trough such that the molten glass exits through the orifice and flows down the sides of the trough and the downwardly sloping sides of the wedged shaped sheet forming structure and meets at the bottom of the wedge and forms a glass sheet of substantially uniform thickness."

Overman neither teaches nor suggests an orifice. Therefore, claim 37 is not obvious over Corning and Overman, alone or in combination.

Dependent claim 42, being dependent upon and further limiting independent claim 37, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 42, in view of the above amendments and remarks.

30. Claims 26 and 43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Corning in view of Nobbe (US 1731260). Applicant respectfully disagrees. The arguments above regarding the anticipation of claims 20 and 37 are herein incorporated by reference.

Regarding claim 20, upon which claim 26 depends, Nobbe does not provide what Corning lacks. Nobbe teaches a method of forming sheet glass, which consists of the steps of creating two downwardly flowing streams of molten glass, maintaining the body portions of those streams free from contact with mechanical means during the major portion of their travel, uniting the streams, and continuing movement in the form of a single sheet. (Nobbe, claim 1).

In contrast, claim 20 of the present invention includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Nobbe does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning and Nobbe.

Dependent claim 26, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 26, in view of the above amendments and remarks.

Regarding claim 37, upon which claim 43 depends, Nobbe does not provide what Corning lacks. Claim 37 includes, in part, the steps of "b) providing an orifice running along the top of the trough; [and] d) conveying molten glass under pressure through the inflow pipe into the trough such that the molten glass exits through the orifice and flows down the sides of the trough and the downwardly sloping sides of the wedged shaped sheet forming structure and meets at the bottom of the wedge and forms a glass sheet of substantially uniform thickness."

Nobbe neither teaches nor suggests an orifice running along the top of the trough. Therefore, claim 37 is not obvious over Corning and Nobbe, alone or in combination.

Dependent claim 43, being dependent upon and further limiting independent claim 37, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 43, in view of the above amendments and remarks.

Regarding new claim 51, the claim includes "an orifice in the bottom of the trough that allows molten glass to flow to the bottom of the wedge shaped forming apparatus such that molten glass is added to the middle of the glass sheet being formed by the molten glass flowing down the downwardly sloped sides of the wedge shaped forming apparatus **and virgin glass forms an outside surface of the glass sheet.**" The claim is fully supported by claim 26, as filed, as well as the specification. "The key feature of the overflow process is that the glass moves through the glass forming equipment and the untouched, "virgin glass", overflows and becomes the outside surface of the glass." (present application, page 1, lines 10-12).

The Nobbe apparatus was patented before the discovery of the "overflow process". Consequently, virgin glass does not form the outside surface of the glass in Nobbe. Therefore, new claim 51 is not anticipated or obvious over Nobbe.

32. Claim 28 was rejected under 35 U.S.C. 103(a) as being unpatentable over Coming in view of Aoki. Applicant respectfully disagrees. The argument above regarding the anticipation of claim 20 is herein incorporated by reference.

Regarding claim 20, upon which claim 28 depends, Aoki does not provide what Corning lacks. Claim 20 of the present invention includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Aoki does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning and Aoki.

Dependent claim 28, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains.

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Applicant respectfully requests reconsideration of the rejection of claim 28, in view of the above amendments and remarks.

33. Claims 29 and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Corning in view of Ferngren (US 1829639). Applicant respectfully disagrees. The arguments above regarding the anticipation of claims 20 and 37 are herein incorporated by reference.

Regarding claim 20, upon which claim 29 depends, Ferngren does not provide what Corning lacks. Ferngren teaches a method and apparatus for drawing sheet glass. The method consists of the steps of flowing a plurality of separated streams of molten glass, of less width but greater thickness than the sheet, downwardly in contact with supporting surfaces, flowing a pair of streams of molten glass downwardly around the separated streams, and uniting all of the streams to form a source from which the glass sheet is drawn.

In contrast, claim 20 of the present invention includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Ferngren does not teach or suggest an orifice running along the top of the trough. Therefore, claim 20 is not obvious over Corning and Ferngren.

Dependent claim 29, being dependent upon and further limiting independent claim 20, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 29, in view of the above amendments and remarks.

Regarding claim 37, upon which claim 45 depends, Ferngren does not provide what Corning lacks. Claim 37 includes, in part, the steps of "b) providing an orifice running along the top of the trough; [and] d) conveying molten glass under pressure through the inflow pipe into the trough such that the molten glass exits through the orifice and flows down the sides of the trough and the downwardly sloping sides of the wedged shaped sheet forming structure and meets at the bottom of the wedge and forms a glass sheet of substantially uniform thickness."

Ferngren neither teaches nor suggests an orifice. Therefore, claim 37 is not obvious over Corning and Ferngren, alone or in combination.

Dependent claim 45, being dependent upon and further limiting independent claim 37, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 45, in view of the above amendments and remarks.

Regarding new claim 53, the claim includes "two orifices in the side of the trough that allows molten glass to flow to the downwardly sloped sides of the wedge shaped forming apparatus such that molten glass is added to the middle of the glass sheet being formed by the molten glass flowing down the downwardly sloped sides of the wedge shaped forming apparatus and virgin glass forms an outside surface of the glass sheet". No new matter has been added. The claim is fully supported by claim 29, as filed, as well as the specification. "The key feature of the overflow process is that the glass moves through the glass forming equipment and the untouched, "virgin glass", overflows and becomes the outside surface of the glass." (present application, page 1, lines 10-12).

The Ferngren apparatus was patented before the discovery of the "overflow process". Consequently, virgin glass does not form the outside surface of the glass in Ferngren. Therefore, new claim 53 is not anticipated or obvious over Ferngren.

35. Claim 31 was rejected under 35 U.S.C. 103(a) as being unpatentable over Corning and Ward as applied to claim 22 above, and further in view of Overman. Applicant respectfully disagrees. The arguments above regarding the anticipation and obviousness of claims 20 and 22 are herein incorporated by reference.

Regarding claim 20, upon which claim 31 depends, Overman does not provide what Corning and Ward lack. Claim 20 of the present invention includes, in part, "c) an orifice running along the top of the trough such that as molten glass is conveyed to the trough the molten glass exits through the orifice and passes down the sides of the trough". Overman does not teach or suggest an orifice. Therefore, claim 20 is not obvious over Corning, Ward, or Overman, alone or in combination.

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Dependent claim 31, being dependent upon and further limiting independent claim 20 and dependent claim 22, should also be allowable for that reason, as well as for the additional recitations it contains. Applicant respectfully requests reconsideration of the rejection of claim 31, in view of the above amendments and remarks.

#### **Allowable Subject Matter**

37. The Examiner stated that Claims 8-12 and 35 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action. Such amendments have been made, and claims 8-12 and 35 should now be in condition for allowance. Applicant respectfully request that the Examiner allow claims 8-12 and 35.
38. Claims 18, 21 24, 27, 30, 33, 38, 44 and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claims 13, 20, 32, and 37, upon which these claims depend, should now be allowable. In addition, new claims 58-67 are dependent off of allowable claim 21, and should also be allowable. New claims 73-80 are dependent off of allowable claim 38, and should also be allowable.

Dependent claims 18, 21, 24, 27, 30, 33, 38, 44 and 46, being dependent upon and further limiting independent claims 13, 20, 32, and 37, should also be allowable for that reason, as well as for the additional recitations they contain. Reconsideration and withdrawal of the objection to claims 18, 21, 24, 27, 30, 33, 38, 44 and 46 is respectfully requested.

#### **Conclusion**

Applicant believes the claims, as amended, are patentable over the prior art, and that this case is now in condition for allowance of all claims therein. Such action is thus respectfully requested. If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, he is invited to telephone the undersigned at the number given below.

"Recognizing that Internet communications are not secured, I hereby authorize the PTO to communicate with me concerning any subject matter of this application by electronic mail. I understand that a copy of these communications will be made of record in the application file."

Respectfully Submitted:

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